

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Properties
Located at 815 East 51st Avenue
Located in Minneapolis, MN and
Owned by David T. Feig**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

The above entitled matter came on for hearing before Administrative Hearing Officer Ed Backstrom on May 10, 2011, at 1:00 p.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing. David T. Feig was present and represented by Robert H. Torgerson, Esq. The attorneys for the parties meet with the hearing officer and agreed that the facts were not in dispute and that Mr. Feig did not dispute the facts in the record presented by the City in this matter. A document setting forth the facts relied upon by both parties was subsequently submitted to the hearing officer. Mr. Feig also submitted an affidavit in support of his contention that his license should not be revoked.

After considering all of the evidence presented in this matter the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

David T. Feig owns the property located at 815 East 51st Street in the City of Minneapolis. David T. Feig's address, as listed on the Hennepin County property information records for the listed property, is 817 East 51st Street, Minneapolis, MN.

On July 7, 2008, Minneapolis Housing Inspector Vonnie Linnell conducted an inspection at the property located at 815 East 51st Street. On July 9, 2008, Inspector Linnell issued written orders to the owner, David Feig, the orders required Mr. Feig to make certain repairs at the property which required the owner to: install required exterior handrails for the front and rear of the property, to prepare and paint the exterior wood trim at the property, to repair or replace the deteriorating roof overhang, to repair or replace the chimney at the property, to repair or replace the front brick wall on the attached porch and to properly prepare and paint the doors on the garage at the property. The written orders required Mr. Feig to make the repairs by August 23, 2008.

On December 11, 2008, Inspector Linnell conducted an inspection and observed that the repairs had not been made. On December 15, 2008, a Final Warning Letter was issued by Inspector Linnell giving Mr. Feig until June 15, 2009, to make the required repairs.

On August 20, 2009, Inspector Linnell conducted an inspection and observed that the repairs had not been completed and on August 24, 2009, an administrative citation was issued in the amount of \$200.00.

On October 1, 2009, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on October 5, 2009, an administrative citation was issued in the amount of \$400.00.

On November 5, 2009, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on November 20, 2009, an administrative citation was issued in the amount of \$800.00.

On December 23, 2009, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on December 28, 2009, a Final Warning Letter was issued to Mr. Feig until June 1, 2010, to make the required repairs.

On June 2, 2010, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on June 3, 2010, an administrative citation was issued in the amount of \$1,600.00.

On September 8, 2010, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on September 9, 2010, an administrative citation was issued in the amount of \$2,000.00.

On October 14, 2010, Inspector Linnell conducted an inspection at the property and observed that the repairs had not been completed and on October 15, 2010, an administrative citation was issued in the amount of \$2,000.00.

A review of city records showed that the administrative citations issued to Mr. Feig for the failure to make the required repairs at 815 East 51st Street, remained unpaid and on November 17, 2010, a Notice of Director's Determination of Non-Compliance was sent to Mr. Feig. The Notice stated that the property failed to meet the rental licensing standard M.C.O. § 244.1910 (1.1) for having delinquent financial obligations owing to the city under any action taken pursuant to M.C.O. Chapter 2, Administrative Enforcement and Hearing Process. Mr. Feig was given 10 days to bring the property into compliance with the licensing standards.

On December 8, 2010, Inspector Linnell conducted an inspection at the property and closed out the orders to repair the roof overhang, to repair the chimney and to paint the garage. The other orders remained unfinished.

On March 21, 2011, it was determined that the outstanding administrative citations had not been paid by Mr. Feig and a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License was issued to Mr. Feig.

Mr. Feig does not dispute that the city send him the above notices and citations. He does not dispute that he received these items via the United States Postal Service. Mr. Feig also admits that he did not open or read any written orders mailed to him; that he did not open or read the Final Warning Letter mailed to him; and that he did not open or read any of the administrative citations mailed to him; did not open or read any Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License mailed to him; and did not open or read any Notice of Director's Determination of Non-Compliance mailed to him.

Mr. Feig states that he has had a phobia for at least several years which made him avoid opening mail "at all costs". (Feig aff. ¶ 4). It is because of this phobia that he did not open the mail sent to him by the City. He does not state that he has sought treatment for this disorder. He also does not indicate that he took any action which would have allowed a third party to review his mail.

However, Mr. Feig did read the notice the City posted on the doors at his duplex on the property regarding this rental license matter. He also states that he had talked on occasion with an inspector for several years about repair issues at the property. (Feig aff. ¶ 5). Although he has completed some of the required work, Mr. Feig still has not completed all the repairs cited by the City. (Feig aff. ¶¶ 6 &7).

On April 11, 2011, a proper appeal of the revocation was filed by Mr. Feig.

CONCLUSIONS

The City of Minneapolis, Department of Housing Inspections conducted a valid inspection at the property located at 815 East 51st Street, from which valid correction orders were issued.

The City of Minneapolis Department of Housing Inspections issued valid administrative citations when, upon re-inspection, the valid correction orders were not complied with.

The City of Minneapolis Department of Housing Inspections issued a valid a Notice of Director's Determination of Non-Compliance, informing Mr. Feig that his property was not in compliance with the city licensing standards.


The City of Minneapolis Department of Housing Inspections issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for having delinquent financial obligations owing to the city under any action taken pursuant to M.C.O. Chapter 2, Administrative Enforcement and Hearing Process. Mr. Feig failed to bring his property into compliance with licensing standard M.C.O. § 244.1910 (11) or appeal within fifteen days of the notice.

The notices and citations sent by the Department were legally sufficient to provide valid notice To Mr. Feig.

RECOMMENDATION

That the rental license for the property located at 815 East 51st Street in the City of Minneapolis, held by David Feig, be revoked.

Dated June 1 2011


EDWARD BACKSTROM
ADMINISTRATIVE HEARING
OFFICER